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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,473	03/23/2001	Clower E. Maloy	PHLV0360-002	6517

7590 05/25/2004

Ellis, Venable & Busam LLP
Suite 702
3030 N. Central Avenue
Phoenix, AZ 85012

EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JUN 2 2 2004
GROUP 3600

Office Action Summary

Application No.

09/815,473

Applicant(s)

MALLOY, CLOWER E.

Examiner

Joselynn Y. Sliteris

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings*****INFORMATION ON HOW TO EFFECT DRAWING CHANGES****Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "top end of said dampening device pivotally mounting to said front frame, the bottom end of said dampening device pivotally mounting to said rear frame" in claims 2 and 4 and as related to Fig. 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Specification

2. The disclosure is objected to because of the following informalities: on page 2 line 2 after "09/240,087", --, now U.S. Patent 6,250,663-- should be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claims 2 and 4, the top end of said dampening device is pivotally mounting said front frame and the bottom end of said dampening device is pivotally mounting to said rear frame. However, it is disclosed in the specification that the top end of the dampening device is pivotally mounting the rear frame and the bottom end of

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the dampening device is pivotally mounting to the front frame on page 10 lines 8-11.

Therefore, claims 2 and 4 are rendered indefinite.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over van der Burgt et al. (U.S. Patent 3,784,219), cited by applicant.

8. Regarding claim 1, van der Burgt disclose in Fig. 2 a split-frame system comprising:

- A. a front frame 2 having a rear end;
- B. a rear frame 11 having a front end;
- C. said rear end of said front frame 2 is coupled directly to said front end of said rear frame 11;
- D. a front axle 8 transversely mounted to said front frame 2, said front axle 8 mounting a plurality of wheels thereon;
- E. a rear axle 6 transversely mounted to said rear frame 11, said rear axle 6 mounting a plurality of wheels thereon; and
- F. the front end of the rear frame pivotally mounting to the rear end of said front frame.

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van der Burgt does not disclose a fifth wheel mounted to said rear frame in Fig. 2. However, van der Burgt does disclose a fifth wheel 12 mounted to a rear frame 11 in Fig. 1, the fifth wheel 12 coupling the trailer 13 to the rear frame 11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the rear frame in Fig. 2 of van der Burgt with the fifth wheel in Fig. 1 of van der Burgt, in order to couple the trailer to the rear frame.

9. Regarding claims 2-4, as best understood, van der Burgt discloses in Fig. 2 a split-frame system further comprising:

a dampening device 5 having a top end and a bottom end, the top end of said dampening device 5 pivotally mounting to said front frame, the bottom end of said dampening device pivotally mounting to said front frame,

whereby the rear frame 11 may pivot about a transverse axis of said rear frame relative to said front frame.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 703-308-8225. The examiner can normally be reached on Mon-Wed 8:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JYS
5/18/04

Ruth Han
RUTH HAN
PATENT EXAMINER
5/19/04

Notice of References Cited	Application/Control No. 09/815,473	Applicant(s)/Patent Under Reexamination MALOY, CLOWER E.	
	Examiner Joselynn Y. Sliteris	Art Unit 3616	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,454,294	09-2002	Bittner et al.	280/781
	B	US-6,231,061	05-2001	Cope, Calvin Keith	280/781
	C	US-6,354,615	03-2002	Vangsgard et al.	280/124.111
	D	US-6,199,894	03-2001	Anderson, Leonard E.	280/785
	E	US-3,434,739	03-1969	SCHOONOVER RICHARD H A	280/483
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

#6 Part of IDS

Form PTO - 1449 (Modified)

FORM PTO-1449
COMMERCE
(Modified)
OFFICEU.S. DEPARTMENT OF
PATENT AND TRADEMARK

ATTY. DOCKET NO.

SERIAL NO.

PHLV0360-002

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

APPLICANT

Maloy

FILING DATE

GROUP

(37 CFR 1.98(b))

JC978 U.S. PTO
09/815473

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
CJH	4188042	2/12/80	Pederson et al.	280	404	4/20/78
	1651888	12/6/27	Hellstrand			3/4/26
	4405144	9/20/83	Chambers	280	404	4/19/82
	3806149	4/23/74	Huszar	280	106.5	9/11/72
	5330222	7/19/94	Halverson et al.	280	438.1	3/8/93
	5078420	1/7/92	Jable et al.	280	680	11/14/90
	4358128	11/9/82	Chambers	280	404	8/29/80
	2032721	3/3/36	Schaefer			7/10/33
	2260574	10/28/41	Martin			7/27/40
	1763767	6/17/30	Fageol			1/20/22
	2373398	4/10/45	Hoobler			4/6/43
	2206359	7/2/40	Larison			2/24/39
	2590388	3/25/52	Dornath			10/26/49
	692064	1/28/02	McNutt			7/8/01
	792561	6/13/05	Thompson			3/22/05
	1428713	9/12/22	Schoenhard			7/15/20
	4548423	10/22/85	Craven	280	492	1/23/84
	5240273	8/31/93	Stead et al.	280	494	1/28/92
	3784219	1/8/74	Van Der Burgt et al.	280	104	1/27/72

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	NAME	CLASS	SUBCLASS	TRANSLATION YES NO

OTHER DOCUMENTS (Including Author, Title, Date **, Relevant Pages, Place of
Publication **)

EXAMINER

DATE CONSIDERED

5/18/04

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.